

REPORT

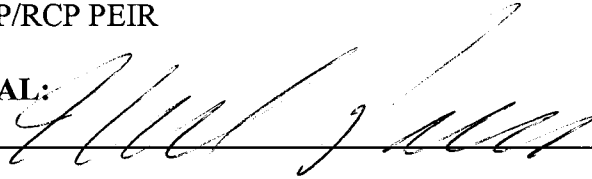
DATE: November 1, 2007

TO: Regional Council

FROM: Energy and Environment Committee (EEC)
Jacob Lieb, Acting Manager Environmental Planning, (213)236-1921, lieb@scag.ca.gov

SUBJECT: Approach for the 2008 RTP/RCP PEIR

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Approve the approach for the combined RTP/RCP PEIR as recommended by the Energy and Environment Committee.

BACKGROUND:

On August 30, 2007 Orange County Council of Governments (OCCOG) submitted a letter requesting that the "environmental processes and environmental documents for the Regional Transportation Plan (RTP) and the Regional Comprehensive Plan (RCP) be separated now, to allow both Plans to move forward, yet independently, in their respective discussions, deliberations, environmental clearance and adoption." The letter was directed to the CEHD Committee, who thereafter took action to have EEC review the request. The letter from OCCOG provided three reasons for the request:

1. The RTP is an urgent regional priority and the Regional Council should focus its efforts to address challenges associated with the RTP.
2. Discussion and deliberation of the RCP could endanger the compressed timeline and deadlines of the mandated RTP, making the combined PEIR an unnecessary constraint.
3. More time is needed to allow full disclosure and discussion of the ramifications of any state law changes that affect compliance with the proposed RCP.

At its October meeting, the EEC reviewed the OCCOG request as well as a subsequent letter submitted by the City of Lake Forest, raising similar concerns about the PEIR. The EEC considered two options regarding how to proceed with the PEIR as well as the reasons for the staff recommendation of continuing with the combined approach. The EEC recommended that the Regional Council pursue option 1 as described below, contingent upon a subsequent meeting between SCAG staff, and representatives of OCCOG and Lake Forest, which was held on October 18 and further discussed below.

Option (1) Proceed with the combined RTP RCP PEIR. (Staff's recommendation)

This approach follows previous direction of the EEC to prepare a combined PEIR for the RTP and RCP, and still maintains flexibility in the future with regard to final adoption of the documents. Briefly, under this option, SCAG will have the flexibility to:

- a) Certify a combined PEIR and approve the RTP and RCP at the same time (preferred) or
- b) Certify a combined PEIR and approve the RTP at the same meeting, approve individual chapters of the RCP either at the same meeting or subsequently. This is the process that was used for the 1996 RCP.

Option (2) Separate the two documents (as requested by OCCOG) and prepare two PEIRs, one each for the RTP and the RCP.

This approach is not practicable and would result in additional costs for SCAG. Several procedural milestones have already been met for the combined approach. Separating the documents would likely require recirculation of the Notice of Preparation and another 30 day comment period, which could result in schedule delays for the RTP. Additional costs would also be accrued due to the preparation, circulation and printing of a second PEIR.

Staff agrees with several of the points made by OCCOG, including that the RTP is an urgent regional priority and the RCP should be carefully considered by RC members prior to adoption. To that end, staff seeks to ensure that RC members are made aware of the reasons for recommending proceeding with the combined PEIR. A combined PEIR achieves the following:

- Eliminates duplication in settings/existing conditions; CEQA encourages the streamlining of environmental documents. [*CEQA Guidelines* Section 15006 encourages public agencies to “reduce delay and paperwork by (l) combining environmental documents with other documents such as general plans.”]
- The approach is permitted under CEQA and reasonable given that both documents are on the same schedule, have the same horizon year and deal with many of the same issues.
- The RCP and RTP are viewed as integrated documents, in that both have a 30 year planning horizon, and encompass growth and infrastructure. In addition, the RCP incorporates and updates past policies which can then be included in the PEIR for both documents.
- The RCP includes policies adopted previously as part of the 1996 RCPG, 2004 Growth Vision, and 2004 RTP as well as new policies. This compilation will guide the IGR process and future SCAG actions; as such they should be presented and evaluated together with the RTP rather than separately.

For the reasons described above, staff recommends that SCAG proceed with the current approach and prepare a combined PEIR for the RTP and RCP. This approach is reasonable under CEQA and will provide RC members with the necessary flexibility at the time of certification and adoption to address any remaining concerns regarding the RCP.

As previously noted, SCAG staff did meet with representatives of OCCOG and the City of Lake Forest on October 18, 2007, to discuss their concerns with the combined PEIR approach and the RCP. The meeting resulted in a better understanding amongst the parties regarding the various issues, including an understanding of SCAG’s rationale for undertaking a PEIR for the RCP for CEQA purposes. It was also understood that proceeding with a combined PEIR does not prevent the Regional Council or policy committees from taking more time to review the draft RCP upon its release, so as to ascertain its application upon local governments, transportation commissions and other stakeholders. To this effect, staff is committed to working with interested parties to engage in the necessary dialogue pertaining to any concerns relating to the draft RCP or draft PEIR. Subsequent to the meeting, SCAG prepared a response letter to the OCCOG and Lake Forest’s letters, attached herein for the Regional Council’s information, summarizing the outcome of the meeting.

REPORT

FISCAL IMPACT:

Funds for the development of the 2008 RTP RCP PEIR are included in the FY 07/08 budget WBS 07-020.SCGC1.

Reviewed by:



Division Manager

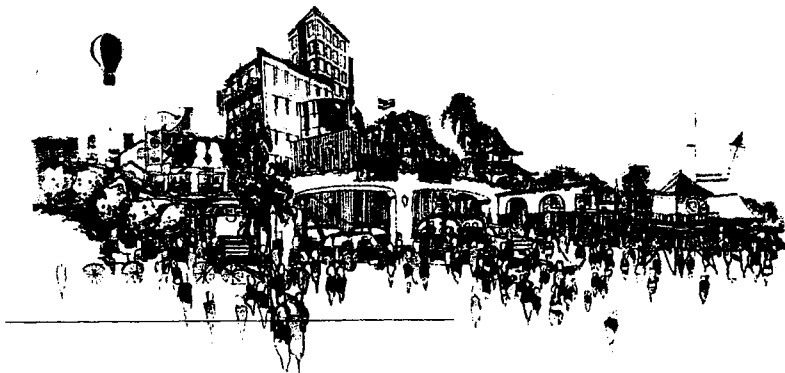
Reviewed by:



Department Director

Reviewed by:

Chief Financial Officer



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August 29, 2007

The Honorable Jon Edney, Chair
 Community, Economic and Human Development Committee
 Southern California Association of Governments
 818 West Seventh Street
 Los Angeles, California 90017-3435

Chair Edney:

RE: SCAG Program EIR for the 2008 Regional Transportation Plan Update and Regional Comprehensive Plan

At its meeting of August 23, 2007, the Board of Directors of the Orange County Council of Governments (OCCOG) discussed three major work efforts underway at the Southern California Association of Governments (SCAG):

- the federal and state mandated 2008 update to the Regional Transportation Plan (RTP);
- the comprehensive update to SCAG's Regional Comprehensive Plan (RCP); and,
- SCAG's proposal to prepare one Program Environmental Impact Report (PEIR) that would environmentally clear both the 2008 RTP Update and the RCP.

The OCCOG Board expresses concern with the pursuit of a combined EIR that would environmentally clear both the Regional Transportation Plan and the Regional Comprehensive Plan, and respectfully urges SCAG to consider a separation of the environmental processes and environmental documents for each Plan. The OCCOG Board's recommendation is based upon the following considerations:

- 1) Both the Regional Transportation Plan and the Regional Comprehensive Plan are significant undertakings that require extensive consultation and outreach to achieve consensus.

One undertaking, the 2008 Regional Transportation Plan update, is mandated and must be adopted by early 2008 to be forwarded to state and federal agencies for approval.

The other undertaking, the Regional Comprehensive Plan, is a voluntary effort not governed by statute or deadline.

As outlined in SCAG's major issues and framework for the next Regional Transportation Plan, there are significant RTP issues need to be vetted with stakeholders, including the subregions, the county transportation commissions, the private sector, and our air quality agencies in order to achieve an RTP that can meet air quality conformity and address mobility.

The OCCOG Board shares with SCAG's policy committees and its Regional Council its belief that at this point in time, the Regional Transportation Plan is an urgent regional priority, and that we must focus our efforts to address the full plate of RTP challenges and deliver an RTP update and an attendant EIR on time to address federal and state mandates and enable critical transportation projects to move forward.



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- 2) The Regional Comprehensive Plan is akin to a local jurisdiction's General Plan, setting forth policies and action statements on nine subject areas for the six-county SCAG region. It is our understanding that the last Regional Comprehensive Plan was adopted many years ago. Thus, the RCP under development would essentially constitute a new framework of policies for local jurisdictions, special districts and other agencies to consider, in conjunction with new development or re-development proposals.

The OCCOG Board recognizes that public outreach and public comment on the Regional Comprehensive Plan is essential. However, the OCCOG Board also recognizes that the planning and public outreach process on the Regional Comprehensive Plan could and should result in many comments and recommendations that are all valid, but with differing perspectives, which will warrant careful consideration and deliberation.

It is the OCCOG Board's concern that the necessary discussion and deliberations on the Regional Comprehensive Plan could endanger the compressed timeline and deadlines of the mandated Regional Transportation Plan; and that the construct of a single EIR for both the RTP and RCP could pose an unnecessary, but avoidable constraint, to timely RTP adoption.

- 3) In light of legislative proposals under consideration by State legislators, the guiding measures and action items that are proposed in the Regional Comprehensive Plan could take on a much more significant role than we currently understand. The Regional Comprehensive Plan must receive full public and local review in consideration of the possibility that proposed state legislation could place much more significance on local government implementation of the plan through the linking of transportation funding to consistency between general plans and the RCP. Separating the environmental review for the Regional Transportation Plan and the Regional Comprehensive Plan will allow for a full discussion and disclosure of the ramifications of any state law changes that affect compliance with the proposed RCP.

Further, the OCCOG Board pledges its commitment to undertake its subregional responsibilities and outreach to Orange County jurisdictions, transportation agencies, special districts, resource agencies, the private sector, and public interest groups, to request their review of the Regional Comprehensive Plan and to secure their input and recommendations on the proposed Plan policies.

Based upon these considerations and concerns, it is the OCCOG Board's recommendation that the environmental processes and environmental documents for the Regional Transportation Plan and the Regional Comprehensive Plan be separated now, to allow both Plans to move forward, yet independently, in their respective discussions, deliberations, environmental clearance and adoption.

Respectfully and on behalf of the OCCOG Board of Directors,

Dennis R. Wilberg
OCCOG Interim Executive Director



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cc: The Honorable Gary Ovitt, SCAG Regional Council President
The Honorable Alan D. Wapner, Chair, SCAG Transportation and Communications Committee
The Honorable Debbie Cook, Chair, SCAG Energy and Environment Committee
Mr. Mark Pisano, Executive Director, SCAG
Council Member Art Brown, Chair, OCCOG Board of Directors
Council Member Cheryl Brothers, Vice-Chair, OCCOG Board of Directors
OCCOG Board Members
OCCOG Member Agencies
OCCOG Subregional Representatives to SCAG Policy Committees
Mr. Art Leahy, Chief Executive Officer, OCTA
Ms. Bev Perry, SCAG
Mr. Darin Chidsey, SCAG
Mr. Miles Mitchell, Chair, SCAG Subregional Coordinators Group
Mr. Kia Mortazavi, OCTA
Mr. Kurt Brotcke, OCTA
Mr. David Simpson, OCTA
Mr. Michael Litschi, OCTA
Ms. Karen Hamman, OCCOG Interim Clerk of the Board



October 3, 2007

The Honorable Debbie Cook, Chair
SCAG Energy and Environment Committee
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Subject: 2008 PEIR for the RCP

Chair Cook:

In an August 23 letter to the Community, Economic & Human Development Committee (CEHD), the Board of Directors of the Orange County Council of Governments (OCCOG) requested the environmental review process for the Regional Comprehensive Plan (RCP) and Regional Transportation Plan (RTP) be separated, rather than the current SCAG approach of preparing a combined Program Environmental Impact Report (PEIR) for both documents. We understand that the CEHD Committee took action to have the Energy and Environment Committee (EEC) review the OCCOG request, and that SCAG staff is recommending the EEC continue with the current approach of a combined environmental review.

On behalf of the City of Lake Forest, I must respectfully request that the EEC not approve the staff recommendation, and instead take additional time to evaluate the OCCOG proposal. Regardless of any additional costs associated with bifurcating the environmental review for the RCP and RTP, the two Plans require extensive consideration and significant outreach, and more time is needed to consider the impact of any state law changes that could affect local compliance with the RCP. Further, the RTP is an urgent priority, and should be the focus of current efforts to ensure the update is on time and complies with federal and state mandates. In fact, we believe that the RCP may not require an EIR, and that any environmental review of the RCP's *voluntary* policies and principles should be undertaken by participating jurisdictions.

For these and other reasons, we ask that you do not approve the staff recommendation and instead separate the environmental processes for the RTP and RCP, allowing both Plans to move forward independently.

Thank you for your consideration. The Lake Forest City Council appreciates your continual efforts to explore innovative approaches to land use and transportation planning. Should you have any questions regarding our comments, please contact Benjamin Siegel, Assistant to the City Manager, at (949) 461-3537.

Mayor
Richard T. Dixon

Mayor Pro Tem
Mark Tettemer

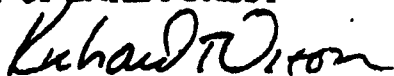
Council Members
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Kathryn McCullough
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City Manager
Robert C. Dunck

The Honorable Debbie Cook
October 3, 2007

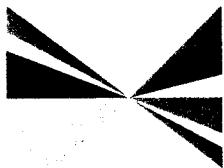
Sincerely,

CITY OF LAKE FOREST



Richard T. Dixon
Mayor

C: Orange County Mayors
The Honorable Pat Bates
League of California Cities
League of California Cities – Orange County Division
Emanuel Jones & Associates



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Tribal Government Representative: Andrew Masiel, Sr., Pechanga Band of Luiseño Indians

Orange County Transportation Authority: Art Brown, Buena Park

Riverside County Transportation Commission: Robin Lowe, Hemet

San Bernardino Associated Governments: Paul Leon

Ventura County Transportation Commission: Keith Millhouse, Moorpark

October 24, 2007

Dennis R. Wilberg
Interim Executive Director
Orange County Council of Governments
600 West Santa Ana Blvd., Suite 214
Santa Ana, CA 92701

Re: SCAG Program EIR for the 2008 Regional Transportation Plan and Regional Comprehensive Plan

Dear Mr. Wilberg:

Thank you for your August 29, 2007 letter to Jon Edney, Chair Community, Economic and Human Development ("CEHD") Committee regarding the Program Environmental Impact Report ("PEIR"), the Regional Transportation Plan ("RTP") and the Regional Comprehensive Plan ("RCP") ("Letter"). We also appreciate your participation in the October 18th meeting where this matter was discussed amongst staff and legal counsel representing SCAG, the Orange County Council of Governments ("OCCOG") and the cities of Lake Forest and Mission Viejo.

In your letter, written on behalf of OCCOG, you specifically requested that the environmental processes and documents for the RTP and RCP be separated. As you know, the CEHD Committee referred OCCOG's request to SCAG's Energy and Environment Committee ("EEC"), who subsequently considered the matter at its October 4th meeting, and voted to proceed with the joint PEIR. The issue will be forwarded and presented to the Regional Council for consideration at its November 1st meeting.

On or about October 3, 2007, in another letter to SCAG's EEC, the City of Lake Forest reiterated the same concerns regarding the combined PEIR for the RTP and RCP. In addition, Lake Forest also suggested that the RCP may not require an EIR and that any environmental review of the RCP's voluntary policies and principles addressed to local agencies should be undertaken by participating jurisdictions.

We hope that the meeting on October 18th provided you with a better understanding not only of why we are pursuing a combined PEIR for the RTP and RCP, but also a better understanding of the background, content and implications of the RCP. While the RCP is intended to improve guidance to local governments through more comprehensive regional input, we recognize there is some apprehension amongst local agencies regarding the plan. To this effect, SCAG staff remains committed to working with you to address your concerns.

With respect to the CEQA issues, i.e. whether an EIR is required for the RCP and whether it is appropriate to proceed with a combined PEIR for the RTP and RCP, SCAG maintains its position that the RCP is a project for CEQA purposes because implementation of the policies in the RCP may result in direct or indirect physical changes in the environment. SCAG also maintains that preparing a joint PEIR is the preferred approach given the interrelationship of certain subject matters within the RTP and the RCP. The two plans each have a 30-year timeframe, and stem from the need to address future growth, infrastructure needs, and environmental quality in our region. Thus, it is most efficient and practical to prepare a joint PEIR.

We appreciate your concerns related to the practical effects of the RCP. Like you, we do not desire the RCP to “endanger the timeline and deadlines of the mandated Regional Transportation Plan.” (Letter, p. 2.) While the RCP is intended to improve guidance to local governments through more comprehensive regional input, we recognize there is some apprehension amongst local agencies regarding the plan.

However, it is important to note that SCAG’s preparation of a joint PEIR for the RTP and RCP still allows SCAG’s policy committees and/or Regional Council to address the concerns of cities, transportation commissions, and other stakeholders regarding the RCP, without affecting the timeline for the RTP, including developing a separate timeline for the RCP if appropriate. Moreover, because the policies of the RCP are generally beneficial to the environment, it does not raise additional environmental impacts. As such, the content of the joint PEIR, including its mitigation measures, would be virtually identical to a PEIR prepared for the RTP alone. Preparing or certifying a joint PEIR does not limit the Regional Council’s ability to make changes, adopt, or even not adopt the RCP.

In order to more fully address the concerns of OCCOG and the cities of Lake Forest and Mission Viejo, SCAG staff noted its willingness to undertake the following steps:

- SCAG will provide greater detail on the purpose of the RCP and how it will be applied, including the relationship of the policies to RTP mitigation measures.
- A technical committee, such as the SCAG Plans and Programs Technical Advisory Committee or the Subregional Coordinators, will review and discuss the RCP chapters, including policies, their relationship to RTP mitigation measures and application to local agencies.
- The county transportation commissions will review the RCP, particularly policies relating to RTP mitigation measures. This review may be part of the technical committee described in the bullet above.

To help clarify these concerns about the relationship between the RCP policies to the RTP mitigation measures, policies in the RCP *will not* be the mitigation measures. Rather, the environmental impacts of the RTP will be mitigated by a mitigation program contained fully within the PEIR. The only role the RCP policies serve is to provide practical implementation guidance to local agencies on an array of issues including in some cases, mitigation of environmental impacts.

As mentioned above, issues regarding the combined PEIR will be reviewed by the Regional Council at its November 1, 2007 meeting. We hope this letter and the technical meetings described above and the discussions among the elected officials will alleviate the concerns that OCCOG and others may have regarding the RCP and the environmental documents.

Again, thank you for raising important issues and your willingness to participate in their resolution. We also understand that these issues will be raised before the OCCOG Board of Directors as part of its meeting on October 25, 2007. We would appreciate it if copies of this letter could be made available to the OCCOG Board for their information.

Sincerely,



Jim Gosnell

Deputy Executive Director

cc: Members of SCAG's Regional Council
 Members of SCAG's Energy and Environment Committee
 Mayor Richard Dixon, City of Lake Forest
 Scott Smith, City Attorney, Lake Forest
 Ben Siegel, Assistant City Manager, Lake Forest
 Fred Galante, OCCOG Legal Counsel
 Gail Shiimoto-Loehr, OCCOG consultant
 Bill Curley, City Attorney, Mission Viejo